

Subpart 808.4—Ordering From Federal Supply Schedules

808.401 General.

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AUTHORITY: 38 U.S.C. 501 and 40 U.S.C. 486(c).

SOURCE: 49 FR 12593, Mar. 29, 1984, unless otherwise noted.

808.001 Priorities for use of Government supply sources.

(a) Procurement will be effected from the following sources in the descending order of priority as indicated herein:

- (1) VA excess.
- (2) Other government agencies excess.
- (3) Federal Prison Industries.
- (4) Procurement list of products available from the Committee for Purchase from the Blind and Other Severely Handicapped.
- (5) GSA stock and other Government agency inventory.
- (6) VA decentralized contracts.
- (7) Mandatory Federal Supply Schedule contracts.
- (8) Optional use Federal Supply Schedule contracts.
- (9) Commercial concerns, educational, or nonprofit institutions, as applicable.

(b) *Public exigency.* A source lower in priority may be utilized in a public exigency as defined in FAR 6.302-2 and in Federal Property Management Regulation 41 CFR 101-25.101-5. Justification for each deviation must be included in the procurement file.

(c) *Eligible Beneficiaries.* When it is determined that a therapeutic benefit to eligible beneficiaries will result from personal selection of shoes, clothing and incidentals, acquisition from the Veterans Canteen Service or commercial sources is authorized. When dress shoes similar to Federal Prison Industries, Inc., Style No. 86-A are purchased from commercial sources, FPI clearance No. 1206 will be cited on the purchase document.

[49 FR 12593, Mar. 29, 1984, as amended at 51 FR 23068, June 25, 1986; 52 FR 28559, July 31, 1987; 54 FR 40063, Sept. 29, 1989; 61 FR 20492, May 7, 1996]

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The Director, VA Marketing Center, advertises, negotiates, awards the contracts, and is responsible for contract administration for FSS (Federal Supply Schedule) Groups 65 and 89. The Director issues the Federal Supply Schedules containing the necessary information for placing delivery orders with the contractors for the above FSS Groups.

808.404-1 Mandatory use.

(a) The contracting officer shall submit a request to the Director, VA Marketing Center, to negotiate a separate contract when requirements will exceed the maximum order limitation cited in the contract.

(b) Lower prices for identical items. (1) When an ordering agency finds an item which is identical to one listed on FSS Group 65 or 89, but available at a lower delivered price from a lower priority source, the ordering office may purchase the item subject to the requirements set forth in FAR 8.404-1(e). A copy of the purchase order shall be sent to the Director, VA Marketing Center, at the time the order is issued.

(2) An identical item is defined as: (i) nondrug item—same manufacturer and model number, or (ii) drug item—have the same National Drug Code (NDC) number.

[49 FR 12593, Mar. 29, 1984, as amended at 51 FR 19350, May 29, 1986; 54 FR 40063, Sept. 29, 1989]

808.404-3 Requests for waivers.

When an ordering office determines that an item available from FSS Group 65 or 89 will not meet its specific needs, it should submit a request for waiver to the Director, VA Marketing Center. The request shall contain the information set forth in FAR 8.404-3(a)(1) through (4).

[51 FR 19350, May 29, 1986]